

# State of Wisconsin



2005 Assembly Bill 597

Date of enactment:  
Date of publication\*:

## 2005 WISCONSIN ACT

AN ACT to create 807.16 of the statutes; relating to: remedies in certain actions concerning building code or zoning ordinance violations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 807.16 of the statutes is created to read:

**807.16 Actions concerning building code or zoning ordinance violations.** (1) In this section, "political subdivision" means a county, city, village, or town.

(2) In any action in which a party seeks an order directing a person to raze, move, or modify a structure located on real property owned by the person on the basis that the structure violates a building code or zoning ordinance of a political subdivision, any political subdivision that issued a permit for the construction of the structure shall be made a party to the action.

(3) The court may order a political subdivision that is made a party to an action under sub. (2) to grant a variance for the structure if the construction permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, if the violation is not due to damage to or other change in the structure arising after the construction of the structure, and if the person who owns the property consents to the variance.

(4) If the construction permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, if the violation is not due to damage to or other change in the structure arising after the construction of the structure, and if the court orders

the person to raze the structure, the court shall order the political subdivision to pay to the person an amount equal to the sum of all of the following:

(a) The reasonable attorney fees incurred by the person in defending the action.

(b) Any fees paid by the person to the political subdivision with regard to the construction of the structure.

(c) The total cost of labor and materials for construction of the structure.

(d) The total cost of razing the structure.

(5) If the construction permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, if the violation is not due to damage to or other change in the structure arising after the construction of the structure, and if the court orders the person to move or modify the structure, the court shall order the political subdivision to pay to the person an amount equal to the sum of all of the following:

(a) The reasonable attorney fees incurred by the person in defending the action.

(b) Any fees paid by the person to the political subdivision with regard to the construction of the structure.

(c) The total cost of moving or modifying the structure.

(6) The court may order the remedies authorized under subs. (4) and (5) in addition to or in lieu of any other remedy provided by law.

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 2. Initial applicability.**

(1) This act first applies to actions commenced on the effective date of this subsection.

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